

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA**

SYNOVUS BANK, formally known as)
Columbus Bank and Trust Company, as)
successor in interest through name change)
by merger with Community Bank and)
Trust of Southeast Alabama d/b/a Coastal)
Bank and Trust,)
)
Plaintiff,)
)
v.) **Civil Action Number: 11-cv-00333-C**
)
)
CROSSROADS LLC, ROBERT T.)
CUNNINGHAM, III, CLARENCE)
BURKE, JR., JOHN B. FOLEY, IV,)
PENNSTAR, L.L.C., and WOLF CREEK)
INDUSTRIES, INC.,)
)
Defendants.)

**NOTICE OF DISMISSAL OF ACTION PURSUANT TO RULE 41(a)(1)(A)(i) OF THE
FEDERAL RULES OF CIVIL PROCEDURE**

COMES NOW Plaintiff, Synovus Bank ("Synovus"), formally known as Columbus Bank and Trust Company, as successor in interest through name change by merger with Community Bank and Trust of Southeast Alabama d/b/a Coastal Bank and Trust, by and through its undersigned counsel of record, and files this Notice of Dismissal (the "Notice") pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure and hereby gives notice of its dismissal, without prejudice, of its claims against Crossroads LLC, Robert T. Cunningham, III, Clarence Burke, Jr., John B. Foley, IV, Pennstar, L.L.C. and Wolf Creek Industries, Inc. (collectively, "Defendants"). As grounds therefor, Plaintiff states the following:

Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, a party can dismiss its claims against an opposing party by filing a notice of dismissal before the opposing

party serves either its answer or a motion for summary judgment. Defendants have not filed an answer or a motion for summary judgment in this matter. Accordingly, Synovus dismisses all claims asserted by it in its Complaint, without prejudice.

Respectfully submitted August 3, 2011.

/s/ Joe A. Joseph

Joe A. Joseph
D. Charles Holtz
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